



Facts About Children, Education, and Immigration Enforcement

In PLYLER V. DOE, the U.S. Supreme Court ruled that every child has a right to a public education regardless of immigration status. The Court ruled that states cannot withhold state funding for K-12 Education of undocumented students or allow districts to deny enrollment based on immigration status.

However, some Texas school districts use administrative processes to effectively block enrollment of undocumented or refugee students and students with undocumented family members.

Approximately 2.5 million undocumented youth live in the United States.

Each year, 80,000 undocumented youth turn 18 years of age, and 65,000 undocumented youth graduate from high school.

There are an estimated 4.5 million U.S. born children with at least one undocumented parent.

According to research from Georgetown Law, most children and families that cross the southern border come from the “Northern Triangle,” which includes El Salvador, Guatemala, and Honduras; countries marked by organized crime, violence, and significant poverty rates. Most individuals, especially children, are fleeing from extreme violence.

Over 700,000 people have received Deferred Action for Childhood Arrivals (DACA.) Of these, 47% are in school. Among those who are enrolled in school, 92% said that because of DACA, “I pursued educational opportunities that I previously could not.”

Under current U.S. policy, schools are not to be targeted for immigration enforcement action or investigation. A 2011 Immigration and Customs Enforcement (ICE) memorandum says that there should be no ICE arrests, interviews or searches at schools, hospitals, places of worship, or demonstrations.

These protections could be rescinded by the incoming administration by executive order.

Under the Family Educational Rights and Privacy Act (FERPA), a District cannot disclose personally identifiable information in student “education records.” However, a District can disclose “directory information” without consent unless families have opted out.

Immigration enforcement action against a child or her/his family has significant negative impact on the child. When parents are deported, children must either remain behind without parental support or leave with their parents to an unknown, often dangerous, foreign country.

The removal of parents can also force children to interrupt or curtail their education.

Research shows that children who have had a parent detained or deported experience increased occurrences of PTSD, the loss of housing . food insecurity, and increased risk of entering the child welfare system.